

### **REMARKS**

The Examiner rejected claims 1-3, 5-11, 13-16 and 18-23 under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamamoto *et al.* (6,628,890), and further in view of Yoshimura *et al.* (6,647,201).

Applicants respectfully traverse the §103 rejections with the following arguments.

**35 U.S.C. §103(a)**

The Examiner rejected claims 1-3, 5-11, 13-16 and 18-23 under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamamoto *et al.* (6,628,890), and further in view of Yoshimura *et al.* (6,647,201).

Applicants respectfully contend that claims 1, 9, and 15 are not unpatentable over Yamamoto and further in view of Yoshimura, because Yamamoto and further in view of Yoshimura does not teach or suggest each and every feature of claims 1, 9, and 15.

As a first example of why Yamamoto in further view of Yoshimura does not teach or suggest each and every feature of claims 1, 9, and 15, Yamamoto in further view of Yoshimura does not teach or suggest the feature: “time division control means for controlling the transmitting and reading of the second compressed data to and from the recording means in a time division manner and **for controlling the record control means and the reproduction control means in a time division manner**” (emphasis added).

The Examiner argues: “Yoshimura et al teach a time division control means for controlling the transmitting and reading of the second compressed data to and from the recording means in a time division manner (Abstract “An audio signal and a video signal are recorded onto a hard disk. In the hard disk, by time divisionally processing the recording and reproduction, they are executed in parallel.”).”

In response, Applicants respectfully contend that the preceding quote from Yoshimura is directed to time division only with respect to a hard disk and is totally silent as to “time division control means ... for controlling the record control means and the reproduction control means in a

time division manner”. Therefore, Applicants respectfully contend that Yoshimura does not teach the preceding feature of claims 1, 9, and 15.

The Examiner further alleges the following motivation for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15: “As suggested by Yamamoto et al and taught by Yoshimura et al, time division control means for multiplexing the read/write head of a disk drive for apparent simultaneous recording and reproduction is well known and commercially available, providing the user with a single device that can record a program while the user is watching a program being reproduced from the recording medium.”

In response, Applicants respectfully contend that Yamamoto and Yoshimura do not teach and/or suggest that “time division control means for multiplexing the read/write head of a disk drive for apparent simultaneous recording and reproduction is well known and commercially available, providing the user with a single device that can record a program while the user is watching a program being reproduced from the recording medium”.

As to Yamamoto, the Examiner admits that Yamamoto does not disclose time-division multiplexing. Therefore, Yamamoto cannot possibly disclose that time-division multiplexing is well known, commercially available, and provides the user with a single device that can record a program while the user is watching a program being reproduced from the recording medium, as alleged by the Examiner. Applicants respectfully contend that the preceding allegation made by the Examiner to support the modification of Yamamoto by the alleged teaching of Yamamoto were created by the Examiner and is not taught by Yoshimura.

As to Yoshimura, the preceding quote from Yoshimura’s Abstract absolutely does not

teach or suggest that “time division control means for multiplexing the read/write head of a disk drive for apparent simultaneous recording and reproduction is well known and commercially available, providing the user with a single device that can record a program while the user is watching a program being reproduced from the recording medium”, as alleged by the Examiner. Applicants respectfully contend that the preceding allegation made by the Examiner to support the modification of Yamamoto by the alleged teaching of Yamamoto were created by the Examiner and is not taught by Yoshimura..

Accordingly, Applicants respectfully conclude that the Examiner’s argument for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15 is not persuasive.

In summary with respect to the preceding feature of claims 1, 9, and 15, Applicants maintain that the Examiner has not established a *prima facie* case of obviousness.

As a second example of why Yamamoto in further view of Yoshimura does not teach or suggest each and every feature of claims 1, 9, and 15, Yamamoto in further view of Yoshimura does not teach or suggest the feature: “wherein the time division control means is disposed between the record control means and the recording means with respect to the second compressed data being transmitted to the recording means **such that the time division control means is directly connected to both the record control means** and the recording means, ... wherein the time division control means is disposed between the recording means and the reproduction control means with respect to the second compressed data being transmitted from the recording means **such that the time division control means is directly connected to both**

**the recording means and the reproduction control means”** (emphasis added).

The Examiner addressed the preceding feature via the Examiner’s analysis of claims 3, 11, and 16 which are canceled herein and whose limitations are now in claims 1, 9, and 15 as quoted above. The bolded text quoted above are limitations added by amendment herein. The Examiner argues: “Yoshimura et al teach a time division controller disposed between the data unloader and the recorder, and also disposed between the recorder and the reproduction control means (Fig 6, item 207, and Col 2, lines 11-14 "On the basis of a control of a recording/reproduction controller 207, the video data and audio data temporarily stored in the buffer memories 204 and 210 are read out and are written into a hard disk drive 206 through a bus 205")”.

In response, Applicants do not understand the Examiner’s argument with respect to FIG. 6 of Yoshimura. Applicants respectfully request that the Examiner identify very specifically which reference numerals in FIG. 6 of Yoshimura allegedly represent the time division control means, the record control means, the recording means, and the reproduction control means, so that Applicants can assess whether FIG. 6 of Yoshimura discloses all aspects of the preceding feature of claims 1, 9, and 15. In the absence of the preceding requested information, Applicants respectfully contend that Yoshimura does not teach the preceding feature of claims 1, 9, and 15.

The Examiner alleges the following motivation for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15: “As suggested by Yamamoto et al and taught by Yoshimura et al, buffer control for multiplexing a read-write head of a disk drive being disposed between the record control means and the

reproduction control means is well known and commercially available, providing the ability”.

In response, Applicants respectfully contend that Yamamoto and/or Yoshimura do not teach that “buffer control for multiplexing a read-write head of a disk drive being disposed between the record control means and the reproduction control means ... provid[es] the ability to use a single head in a time-division multiplexed manner for both recording and reproduction”. Applicants respectfully request that the Examiner provide specific citations in Yamamoto and/or Yoshimura that allegedly teach or suggest that “buffer control for multiplexing a read-write head of a disk drive being disposed between the record control means and the reproduction control means ... provid[e] the ability to use a single head in a time-division multiplexed manner for both recording and reproduction”.

Accordingly, Applicants respectfully conclude that the Examiner’s argument for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15 is not persuasive.

In summary with respect to the preceding feature of claims 1, 9, and 15, Applicants maintain that the Examiner has not established a *prima facie* case of obviousness.

As a third example of why Yamamoto in further view of Yoshimura does not teach or suggest each and every feature of claims 1, 9, and 15, Yamamoto in further view of Yoshimura does not teach or suggest the feature: “switching means for switching between transmitting the compressed audio/video data extracted by the data separating means to the data reproducing means and transmitting the second compressed data from the reproduction control means to the data reproducing means, said switching means being disposed between the data separating means and the data reproducing means, said switching means being disposed between the reproduction

control means and the data reproducing means”.

The Examiner argues: “Yoshimura et al teach a switching means for switching between only one of the compressed audio/video data extracted by the data separating means to the data reproducing means (Fig. 3, item 58) and the second compressed data from the reproduction control means to the data reproducing means (Col 8, lines 28-32 “The switching circuit 58 is used to switch a picture plane based on received television broadcasting or the video signal from the external video input terminal 56 and a reproduction picture plane from a hard disk drive 80”).”

The Examiner alleges the following motivation for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15: “As taught by Yoshimura, a switch to select only one of either the input signal or a reproduced signal is well known and commercially available, allowing the user to view live programming when he sees fit, and view recorded programming at other times.”

In response, Applicants acknowledges that Yoshimura teaches “a switch to select only one of either the input signal or a reproduced signal”.

However, Yoshimura does not teach that “a switch to select only one of either the input signal or a reproduced signal is well known and commercially available“, as alleged by the Examiner. Furthermore, Yoshimura does not teach that “a switch to select only one of either the input signal or a reproduced signal ... allows[] the user to view live programming when he sees fit, and view recorded programming at other times”, as alleged by the Examiner. Applicants respectfully contend that the preceding allegations made by the Examiner to support the modification of Yamamoto by the alleged teaching of Yamamoto were created by the Examiner

and are not taught by Yoshimura.

Accordingly, Applicants respectfully conclude that the Examiner's argument for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15 is not persuasive.

In summary with respect to the preceding feature of claims 1, 9, and 15, Applicants maintain that the Examiner has not established a *prima facie* case of obviousness.

As a fourth example of why Yamamoto in further view of Yoshimura does not teach or suggest each and every feature of claims 1, 9, and 15, Yamamoto in further view of Yoshimura does not teach or suggest the feature: "wherein an output of the data separating means is directly connected to an input of the switching means, and wherein an output of the switching means is directly connected to an input of the data reproducing means".

The Examiner addressed the preceding feature via the Examiner's analysis of claims 21-23 which are canceled herein and whose limitations are now in claims 1, 9, and 15 as quoted above. The Examiner argues: "Regarding claims 21-23, Yamamoto et al are silent on the subject of a switch for selecting an output of the data selecting means and providing that signal to the data reproducing means... Yoshimura et al teach a switching means for providing the input signal to the data reproducing means (Fig. 3, item 58 and Col 8, lines 28-32 "The switching circuit 58 is used to switch a picture plane based on received television broadcasting or the video signal from the external video input terminal 56 and a reproduction picture plane from a hard disk drive 80")."

In response, Applicants respectfully contend that the preceding argument by the Examiner



does not address the preceding feature of claims 1, 9, and 15, and is therefore not persuasive.

Thus, Applicants respectfully contend that Yoshimura does not teach the preceding feature of claims 1, 9, and 15.

The Examiner alleges the following motivation for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15: “As taught by Yoshimura, a switch to provide the input signal to the reproduction means is well known and commercially available, allowing the user to view live programming when he sees fit, and view recorded programming at other times.”

In response, Applicants respectfully contend that Yoshimura does not teach that “a switch to provide the input signal to the reproduction means is well known and commercially available”, as alleged by the Examiner. Furthermore, Yoshimura does not teach that “a switch to provide the input signal to the reproduction means ... allow[s] the user to view live programming when he sees fit, and view recorded programming at other times”, as alleged by the Examiner. Applicants respectfully contend that the preceding allegations made by the Examiner to support the modification of Yamamoto by the alleged teaching of Yamamoto were created by the Examiner and are not taught by Yoshimura.

Accordingly, Applicants respectfully conclude that the Examiner’s argument for modifying Yamamoto by the alleged teaching of Yamamoto with respect to the preceding feature of claims 1, 9, and 15 is not persuasive.

In summary with respect to the preceding feature of claims 1, 9, and 15, Applicants maintain that the Examiner has not established a *prima facie* case of obviousness.

Based on the preceding arguments, Applicants respectfully maintain that claims 1, 9, and 15 are not unpatentable over Yamamoto and further in view of Yoshimura, and that claims 1, 9, and 15 are in condition for allowance.

Since claims 2, 5, 7, and 8 depend from claim 1, Applicants contend that claims 2, 5, 7, and 8 are likewise in condition for allowance.

Since claims 10, 11, 13, and 14 depend from claim 9, Applicants contend that claims 10, 11, 13, and 14 are likewise in condition for allowance.

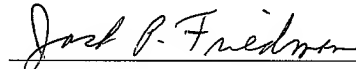
Since claims 18 and 20 depend from claim 15, Applicants contend that claims 18 and 20 are likewise in condition for allowance.

### CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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